



File Code: 1570

Date: December 14, 2011

Jonathan Ratner
Director - Wyoming Office
Western Watersheds Project
P.O. Box 1160
Pinedale, WY 82941

Dear Mr. Ratner:

You filed a notice of appeal on behalf of Western Watersheds Project, challenging District Ranger Mark Booth's decision on cattle and horse livestock grazing allotments administered by the Powder River Ranger District on two project areas. This is one of five decisions discussed in the Final Environmental Impact Statement for *Livestock Grazing and Vegetation Management on Five Project Areas*, (known as the Big 6 decisions) and one of five decisions addressed in your appeal. District Ranger Booth signed the Record of Decision (ROD) on July 26, 2011.

The appeal period ended November 3, 2011. You sent your appeal electronically with a number of e-mails and attachments beginning on November 3rd. The appeal itself was in the last file which did not arrive until 12:26 a.m. on November 4th. Thus, your appeal was not timely filed. I am accepting your appeal this time because the early e-mails were timely, the appeal document was only 26 minutes late, and there was no prejudice to our processing of the appeal. However, I admonish you that it is your obligation under the statute and regulation to ensure timely receipt by the Forest Service of your appeal and any late submissions in the future will not be accepted.

I have reviewed the appeal record, including your appeal, the ROD, and supporting documentation in the project record. I have weighed the recommendation from the Appeal Reviewing Officer and incorporated it into this decision. A copy of the Appeal Reviewing Officer's recommendation is enclosed. This letter constitutes my decision on your appeal including the specific relief requested.

Action Appealed

District Ranger Booth's decision was to select Alternative 3, continuation of permitted livestock grazing on six allotments using adaptive management strategies.

You requested relief by asking the Forest Service to:

- Withdraw the decision, with any subsequent decision complying with CEQ NEPA regulations.
- Work with appellants to redesign the project to reduce impacts, create additional monitoring, and protect sensitive species and their habitats.
- Develop and fund additional monitoring requirements.



- Perform additional consultation with experts from the Rocky Mountain Research Station, Regional Office, and other institutions in developing design criteria.

Appeal Reviewing Officer's Findings and Recommendation

Appeal Reviewing Officer (ARO) Rhonda O'Byrne found that your appeal covered many different aspects of the analysis, including (but not limited to), sensitive species and wildlife viability, compliance with the Bighorn Forest Plan and the sensitive species policy, livestock grazing analysis, watershed conservation practices, use of best available science, forage use, range improvements, adaptive management, and compliance with the Clean Water Act. The ARO identified the appeal issues and assembled a team to respond to each of these. These points and responses are articulated in the enclosed letter from the ARO.

Decision

After reviewing the appeal record, I agree with ARO O'Byrne's analysis as presented in the recommendation letter. I find no violation of law, regulation, or policy. Therefore, I have decided to affirm in whole the Ranger's decision, denying your request for relief.

This decision constitutes the final administrative determination of the Department of Agriculture (36 CFR 215.18(c)).

Sincerely,

/s/ William T. Bass
WILLIAM T. BASS
Forest Supervisor

Enclosure

cc: Rhonda L OByrne
John Rupe
Mark D Booth